

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

May 14, 2003

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Public Workshop - Shelter Island Yacht Basin Dissolved Copper TMDL** *(Lesley Dobalian, Christina Arias)*

The Regional Board conducted a combined public workshop and California Environmental Quality Act (CEQA) scoping meeting on the Shelter Island Yacht Basin TMDL on March 19, 2003. The objective of the public workshop was to present the draft technical TMDL report that was submitted for external scientific peer review, and to receive early informal comments on the draft from the public. The objective of the CEQA scoping meeting was to receive comments on the scope of issues to be addressed in the "functionally equivalent" documents prepared pursuant to CEQA Section 21080.5 of the California Public Resources Code. Approximately 20 people attended the workshop, including representatives from marinas, the hull cleaning industry, boatyards, private boat owners, the Navy, consulting firms, and environmental organizations. The Regional Board will consider adoption of a Resolution incorporating the TMDL into the Basin Plan in early fall 2003.

2. **Public Workshop – Bacteria Impaired Waters TMDLs** *(Christina Arias, Lesley Dobalian)*

Bacterial contamination is the single greatest cause of water quality impairment in the San Diego Region, comprising approximately 30% of the Region's Clean Water Act Section 303(d) list of impaired waters. The Regional Board has initiated a large-scale effort to develop Total Maximum Daily Loads (TMDLs) to address nearly all of the bacteria impaired waters in the Region.

On March 27, 2003, the Regional Board conducted a "kickoff" public workshop and California Environmental Quality Act (CEQA) scoping meeting on the Bacteria Impaired Waters TMDLs to introduce the project and initiate the public participation process. The purpose of the public workshop was to inform the public about the need and plans for the TMDL project, request information and data, engage the stakeholders early in the process, answer questions, and receive public comments. The objective of the CEQA scoping meeting was to receive comments on the scope of issues to be addressed in the "functionally equivalent" environmental documents pursuant to CEQA Section 21080.5 of the California Public Resources Code. Approximately 30 people attended the workshop, including representatives from several municipalities, consulting firms, environmental organizations, and the public. Regional Board Vice Chairman Gary Stephany also attended and provided introductory comments to workshop participants.

Staff is currently planning to employ a "reference watershed" approach in the development of the TMDLs. This approach accounts for "natural" sources of bacteria (i.e., waterfowl, wildlife) by allowing a certain frequency of exceedances of bacterial water quality objectives based on the number of exceedances expected in a similar, but relatively pristine (i.e., minimally disturbed by human activity) "reference" watershed. The reference watershed approach was first developed for the Santa Monica Bay Bacteria TMDLs that were recently adopted by the Los Angeles Regional Board. Tetra Tech, Inc. has been contracted by USEPA to provide technical support and assistance to the San Diego Regional Board throughout the development of the Bacteria Impaired Waters TMDLs. Tetra Tech's primary role is to develop a watershed-based model to analyze the sources of bacteria in the watersheds.

It is anticipated that the Bacteria Impaired Waters TMDLs will be brought before the Regional Board in summer 2005. Successful implementation of these TMDLs will ultimately restore the water contact beneficial uses to approximately 30 of the Region's beaches, lagoons and inland streams.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Chiara Clemente, David Hanson, Bryan Ott, Victor Vasquez)* *(Attachment B-1)*

From April 1 to April 30, 2003, there were 32 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 19 of these spills reached surface waters or storm drains, and 3 resulted in closure of recreational waters. Of the total number of overflows from public systems, 8 were 1,000 gallons or more.

Eight sewage overflows from private property were also reported from April 1-30; one was 1,000 gallons or more. Six of the private property spills reached surface waters or storm drains; none resulted in closure of recreational waters.

A total of 1.41 inches of rainfall were recorded at San Diego's Lindbergh Field for April 1-30, 2003. For comparison, in March 2003, 1.36 inches of rainfall were recorded, and 36 public SSOs were reported. In April 2002, 0.63 inches of rainfall were recorded and 37 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year (FY) since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics." The annual report that was included in the agenda materials for the January Board meeting, titled "Public SSO Statistics Summary for FY 2001-02," is also attached. Staff will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

Three Notices of Violation (NOV), one with a Request for Technical Report (RTR), were issued in April for recent significant overflows. The NOVs were issued to the following agencies for the events described below:

Leisure World Laguna Woods

NOV No. R9-2003-0134 was issued for a 550-gallon sanitary sewer overflow that occurred on March 4, 2003 at B-879 Via Mendoza, in the City of Laguna Woods, from the wastewater collection system owned, operated or maintained by Leisure World Laguna Woods. The overflow was reported to the Regional Board by El Toro Water District (District). The District indicated that the cause of the sanitary sewer overflow was unknown. The District reported that the overflow entered a storm drain tributary to Aliso Creek and the Pacific Ocean.

Rainbow Municipal Water District

NOV No. R9-2003-0160 and RTR were issued to the Rainbow Municipal Water District on April 29. The District notified the Regional Board of the following sanitary sewer overflows:

- A 1,200,000-gallon overflow from the District's wastewater collection system near the intersection of Highway 76 and North River Road near Bonsall that began on April 3, 2003 and terminated on April 5, 2003. The District reported that this overflow occurred from a deteriorated section of the force main from the District's Pump Station #2. The District reported that the overflow percolated into the ground in a sandy area within or adjacent to the flood plain of the San Luis Rey River. The overflow resulted in the closure of recreational waters adjacent to the mouth of the San Luis Rey River at the Pacific Ocean to prevent public contact with waters that may have been impacted. The Regional Board considers this SSO as a discharge to surface waters.
- A 24,000-gallon sanitary sewer overflow from the District's wastewater collection system at Pump Station #2 that occurred on April 11, 2003. The District reported that this overflow occurred due to a power failure at the station followed by failure of the station's back-up power supply. The District reported that the final destination of the overflow was an open field with heavy brush adjacent to the pump station.

City of Encinitas

NOV No. R9-2003-0176 was issued to the City of Encinitas on April 30, 2003. The City notified this office of a 4,500-gallon sanitary sewer overflow from the lift station at Moonlight State Beach on April 14, 2003. A report from the City's Public Works Department attributed the cause of the sanitary sewer overflow to incoming flows overwhelming the pumps during heavy rain. NOV No.'s R9-2003-0107 and R9-2003-0130 were issued previously on March 10, 2003 and March 21, 2003, respectively, for similar sanitary sewer overflows at the same location. The City indicated in their report dated April 15, 2003 that they believe they have discovered the infiltration source and

corrected the problem. An 8-inch pipe stub out, which is connected to a manhole, was discovered open to the atmosphere in close proximity to a flowing creek. The 8-inch pipe stub out was outfitted with a cap to prevent inflow into the system (see attached article in the North County Times dated April 30, 2003).

City crews were reportedly unable to recover any of the overflow. The entire 4,500-gallon overflow was discharged to Cottonwood Creek, a tributary to the Pacific Ocean. The County Department of Environmental Health had earlier that day requested that a sign warning of contamination be posted at the entrance to Moonlight State Beach for advisory status.

Status of City of Laguna Beach and Moulton Niguel Water District Sewer Overflows:

During the public forum item at the April 9 Board Meeting, Mr. Briggs Christian Morris-Smith discussed his concerns regarding sewage spills from the City of Laguna Beach and the Moulton Niguel Water District. Mr. Morris-Smith referenced a 440,000-gallon sanitary sewer overflow from the Moulton Niguel Water District that occurred on January 7, 1997. Notification of this spill was received from the District in a timely manner. At the time, the information submitted by the District did not result in further enforcement action.

Since that time, an evaluation of the District's recent sanitary sewer overflows indicates notable improvements to their system, and no sewer overflows have been reported for FY 2002-2003. Staff is not recommending enforcement action for the Moulton Niguel Water District at this time.

Mr. Morris-Smith also referenced two sanitary sewer overflows that occurred in 2000 and 2001 from the City of Laguna Beach sewage collection system. Staff initially responded to this inquiry in the March 12, 2003 Executive Officer's Report (Part B, Section 3) and explained that, after conducting a thorough evaluation of the information received (in July 2002), it was determined that further enforcement action was not warranted at that time. Staff is continuously evaluating all sewer overflow information from each of the reporting agencies in order to determine whether additional enforcement actions are warranted.

On April 28, 2003, this office received copies of a letter (attached) from the City of Laguna Beach, individually addressed to each Board member. This letter was intended to provide the Board with information on the City's programs to reduce the number of beach closures and the volume of sewage spilled within the City's collection system.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in April 2003 (Stacey Baczkowski) (Attachment B-2)

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | CERTIFICATION ACTION ¹ |
|------|-----------|---------------|---------------------|-----------------------------------|
|------|-----------|---------------|---------------------|-----------------------------------|

| | | | | |
|---------|--|--|--|--|
| 4/11/03 | Pinnacle Communities | Winchester Creek Development Site | Development of a residential site covering approximately 9.84 acres that includes 39 single-family residences with a minimum lot size of 6,000 square feet and associated streets and infrastructure. | Conditional |
| 4/11/03 | City of San Diego, Public Buildings & Parks Division | Ski Beach Boat Dock | Replacing existing dock with reinforced concrete 68' x 16' and four precast prestressed concrete piles. | Standard |
| 4/14/03 | Port of San Diego | G Street Slip Repairs | Removal and replacement of deteriorated and damaged fascia boards, deck planks, pontoons, fenders, nested pile guides and repairs to damaged lighting fixtures on two wooden floating docks. | Standard |
| 4/15/03 | City of Mission Viejo | English Channel Maintenance | Repair pressure grout beneath outlet structure to fill void and restore riprapped invert protection. | Conditional |
| 4/15/03 | City of Poway | Poway Creek Silt Removal and Access Ramp | Removal of silt (64,050 cubic yards for the first year); construction of a permanent access ramp; construction of in-line desiltation basins; and unspecified maintenance and sediment removal for a 10-year period in a portion of Poway Creek. | Denial (See attachment B-2a for denial letter) |
| 4/18/03 | City of Dana Point | Salt Creek Storm Drain Treatment Facility | Construction of an approximately 1,500 to 1,700 square feet building to house ozone and electrical equipment, two basket strainers and four to six horizontal sand filters. | Conditional |
| 4/18/03 | County of Orange | Dairy Fork Water Quality Improvement | Construction of in-stream detention basins to reduce bacteria levels. | Denial (See attachment B-2b for denial letter) |
| 4/22/03 | City of San Diego | North Torrey Pines Road Bridge Replacement Project | Phased demolition and reconstruction of the bridge over Los Penasquitos Creek. The project includes improvements to North Torrey Pines Road for road transitions north and south of the bridge | Conditional |

| | | | | |
|--------|--------------|--------------------------------------|--|--|
| | | | and includes a 340-foot bridge span. | |
| 5/2/03 | Pardee Homes | Point Carmel Residential Development | Development of 85 residential units on approximately 21.4 acres. | Denial (See attachment B-2c for denial letter) |

1 - Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. Santa Ysabel Groundwater Cleanup Status Report (Barry Pulver)

Significant progress was made in identifying all historic and existing leaking fuel underground storage tanks (USTs) that could be contributing to the gasoline, benzene, and MTBE pollution in the sole source aquifer in the Santa Ysabel area. Recent efforts included issuing investigation orders (Orders) to the owners of the Wright Fuel Stop and to Unocal - RMCC, and identifying CalTrans as a suspected discharger.

The Order regarding the Wright Fuel Stop, an active gasoline service station, requires the owner to submit a report of an enhanced leak detection test to determine if the UST system is vapor and liquid tight. The Order was issued because recent studies have shown that significant numbers of active gasoline stations are leaking vapors, and because existing monitoring systems in use at gasoline stations are not detecting these leaks. Investigations conducted for the Santa Clara Valley Water District found a high rate of undetected releases, and the State Water Resources Control Board's Field-Based Research found undetected vapor leaks at 80 percent of the study facilities. The Regional Board's Order regarding the Wright Fuel Stop essentially duplicates a new State law (Health and Safety Code [H & S] section 25292.5) requiring all operating gasoline stations within 1,000 feet of a public water supply well to conduct an enhanced leak detection test. The Regional Board's Order requires that the test results be submitted in June 2004 rather than June 2005, as required by H & S section 25292.5.

Because Unocal operated a former Union 76 gasoline station at the northwest corner of the intersection of Highways 78 and 79, an Order was issued to Unocal - RMCC to submit a technical report of a soil and groundwater investigation to determine if gasoline wastes leaked from the former UST system and contributed to the groundwater pollution problem in Santa Ysabel. The Aurbach Family Trust acquired part of the property after

the gas station was demolished, and CalTrans acquired the remainder of the property through highway widening.

A recent CalTrans survey showed that the area of the former USTs of the Old Santa Ysabel Hotel gasoline station is within the right of way of Highway 78. The survey was conducted in response to the Regional Board's concern that, with the widening of Highway 78, CalTrans became the owner of the property in which the former USTs were located. Because the former owners/operators of this gasoline station are deceased, CalTrans, as the current property owner, is responsible for investigation and cleanup of the property. A meeting with CalTrans management to discuss this issue is scheduled for early May. An investigation order to CalTrans to determine if the former USTs of the Old Santa Ysabel Hotel leaked and contributed to the groundwater pollution problem likely will be issued after the meeting.

4. Beach Valuation Project Supplemental Environmental Project Status Report (*Rebecca Stewart*)

In October 2000 the Regional Board approved a \$262,500 Supplemental Environmental Project referred to as the Beach Valuation Project. Funding was provided from a portion of a \$3,469,500 administrative civil liability against the City of San Diego for a sewage spill into Alvarado Creek and the San Diego River. The City of San Diego paid the Santa Monica Bay Restoration Foundation (Foundation) to fund the project within 30 days of adoption as required by the Regional Board. The Beach Valuation Project was to determine the economic impact on beach communities resulting from closure due to sewage spills. The survey was to be conducted over a two-year period with a project completion date of June 5, 2003.

Unfortunately, we have been informed that the project was not started and, therefore, will not be completed by June 5, 2003. The Order contains a provision that if the project is not completed on time, the suspended liability must be returned to the State Board for deposit in the Cleanup and Abatement Account (CAA). On May 1, 2003, the Regional Board requested that the Foundation return the \$262,500, minus any documented administrative expenses, plus any interest earned on the funds over the past two and one-half years, for deposit into the CAA. We will update the Regional Board on the status of the reimbursement to the CAA.

5. Press Enterprise Article on Temecula Gas Station Cleanup (*Barry Pulver*) (*Attachment B-5*)

Barry Pulver was interviewed by the Riverside Press Enterprise for an article on the soil and groundwater investigation and cleanup activities at the Mobil Gas Station (No. 18-AOJ) in Temecula, California. The article was published on April 29, 2003. A copy of the article is attached.

6. Proposed Marina NPDES Permit: Presentation and Workshop (*Pete Michael*) (*Attachment B-6*)

More than 42 marinas exist in the Region's five harbors: Dana Point (Orange County); Camp Pendleton, Oceanside Harbor, Mission Bay, and San Diego Bay (San Diego County). Approximately 11,000 recreational boats could be located in coastal marinas in

the San Diego Region. On April 16, 2003, Pete Michael of the Marine Waters Unit gave a presentation to the San Diego Dockmasters meeting on the topic of the proposed general permit for coastal marinas in the San Diego Region. Approximately 36 Dockmasters attended that meeting. A discussion session followed in which the Director of the San Diego Port Tenants, Mr. Richard Cloward, informed Mr. Michael that a committee of five persons had been formed to work with the Regional Board on the draft general permit.

On April 18th a public workshop was held to discuss the approach for the proposed permit. The workshop held at the Regional Board office was attended by at least 40 representatives of marinas, port tenants, yacht clubs, divers, and environmental organizations. The Board presented an approach which would require each marina with ten or more slips to create a marina pollution prevention plan which at a minimum would address these topics: solid waste, liquid waste, boat cleaning and maintenance (topside and underwater), sewage, and petroleum. These topics were highlighted in the 1994 California response to the Coastal Zone Act Reauthorization Amendments of 1990 in which Congress directed the states to address certain water pollution topics. The 1994 advisory committee report for marinas and recreational boating was subsequently incorporated into the State Water Resources Control Board non-point source plan. The workshop discussion focused on these issues: fairness, cost, liability to marinas, and need to hold boaters, not marina managers, responsible for improper actions of boaters. The participants were invited to follow the progress of the marina permit at the Regional Board web page, <http://www.swrcb.ca.gov/rwqcb9/>.

The proposed schedule is:

- Draft final permit release: before May 11, 2003
- Public hearing: June 11, 2003
- Written comment period: through June 11, 2003

At a subsequent Regional Board meeting, most likely on August 13, 2003, the Board will consider the permit's adoption. The April 18, 2003 Workshop notice is attached.

7. Chevron Pipeline Rupture Investigation and Cleanup Update (*Barry Pulver*)

The City of San Diego (City) and AMEC Earth and Environmental (AMEC) completed the field work for the soil and groundwater investigation of the discharge of petroleum hydrocarbon wastes from the Chevron pipeline rupture. The pipeline, located beneath Belt Street on the NASSCO property, was ruptured during the drilling of a soil boring in February 2001. The purpose of the investigation was to determine if the gasoline released to the environment poses a threat to beneficial uses in San Diego Bay, human health and the environment, and if additional cleanup is needed. A report of the soil and groundwater investigation of the leak is being prepared by AMEC and is due to the Regional Board by May 30, 2003.

The City filed a cross-complaint against Chevron Products Company for indemnity and recovery of costs for the emergency response actions conducted by the Fire Department.

The Regional Board, the Port of San Diego, and NASSCO were named as Necessary Parties. However, there are no allegations or demands against the Regional Board in the cross-complaint. This matter was referred to the State Attorney General who has responded on behalf of the Regional Board to the cross complaint and joinder of necessary parties. In the response the Regional Board asks that the cross-complainant (City) "take nothing" by the action against the Regional Board, that judgement be rendered in favor of the Regional Board and against the City, that the Regional Board be awarded costs of suit and attorney's fees, and that the Regional Board be awarded such other relief as the Court deems proper.

8. Caulerpa taxifolia Eradication and Prevention Activities (*Chiara Clemente, Lesley Dobalian & Bruce Posthumus*) (Attachment B-8)

Pursuant to SWRCB Resolution No. 2001-309, SDRWQCB staff completed the quarterly progress report to the SWRCB on *Caulerpa taxifolia* eradication and prevention activities for the period January through March, 2003. A copy of the report is attached. Although the results of eradication efforts remain encouraging, unless all *C. taxifolia* is found and successfully treated, the threat of re-growth and spread remains.

9. Complaint Investigation: 382 Ladroit Street, Laguna Beach (*Jeremy Haas*)

At the April 2003 Regional Board meeting the Board heard concerns from Shannon Huhn, a citizen of Laguna Beach, that a proposed single-family residence development threatened a watercourse and that the City of Laguna Beach was not responsive to potential water quality impacts from the proposal. The complainant requested the Regional Board provide guidance on the water quality impacts of the proposed development. The City Council will consider the proposal on May 6, 2003, and City staff have determined that the developer requires a variance from the City to encroach upon the watercourse and its 25-foot setback. The current proposal for the site includes one house built on a steep bank with one structure within the flow line and approximately 50-percent of the house within the City-designated 25-foot watercourse buffer zone. The City's Design Review Board has required the applicant to shift the project more out of the watercourse, and has recommended a variance for the watercourse based on the conclusion that the scenic and functional purpose of the watercourse will be improved by the design and will not likely be impaired. In March 2003 the Design Review Board approved the design with the added condition that, prior to issuance of a building permit, issues of water quality be referred to the Public Works Department and the City's Senior Water Quality Analyst.

On April 23, 2003 Jeremy Haas of the Northern Watershed Protection Unit visited the site with the complainant and viewed video footage of the site during stormflows. The site is approximately 7000 square feet, mostly on hillsides, and is surrounded by residential developments. The watercourse appears to be a remnant of an historic coastal canyon drainage that has been modified to serve as part of the City's MS4 system. MS4 discharges from the upland adjacent neighborhood are conveyed by pipe to the upper end of the site, where a steep, narrow flow line exists and runs along the parallel axis in the

southern third of the property. The water then leaves the site via a spillway onto the complainant's driveway and into the street and MS4 system.

The site is contained on a sloped lot surrounded by houses on three sides and a street on the "upstream" boundary. At the time of the Regional Board site visit, the site had been cleared of vegetation, and erosion control fabric appeared to have been installed within the flow line to prevent erosion. As a result, no definable channel was apparent, but the general watercourse was recognizable. Based on the current site conditions, including steepness, lack of definable channel and riparian vegetation, and the lack of adjacent downstream waters, the flow line appears to provide limited water quality functions.

The current proposal has avoided most direct impacts to the historic channel. If Section 401 Water Quality Certification is required for the project, the Regional Board would request that the channel remain soft-bottom to allow for some infiltration of urban runoff and very minor storm events, that the single structure in the watercourse be elevated above the 100 year flood level, and that the remaining on-site channel be recontoured and be enhanced with locally native vegetation to provide limited habitat functions. The USACE, however, has determined by letter that the site does not contain Waters of the U.S., thus the Regional Board would not be asked to provide Section 401 Water Quality Certification for the project. The Regional Board, however, retains authority to address water quality issued pursuant to the California Water Code. Staff has provided the above comments to the City's Public Works Department and the City's Senior Water Quality Analyst and recommends that no further action is warranted at this time.

10. San Diego Municipal Storm Water Permit Update *(Phil Hammer)*

USEPA and its contractor Tetra Tech, Inc. have finalized the report for the compliance evaluations they conducted with the Regional Board in February 2003. The compliance evaluations addressed the municipal urban runoff management programs of the City of Escondido, the City of National City, and the City of Oceanside. The evaluations were detailed week-long assessments of each municipality's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit, including in-field verification of program implementation. The finalized report identifies potential program violations, program deficiencies, and positive program attributes. The report has been forwarded to the municipalities; follow-up investigations will be conducted to ensure that all potential deficiencies and violations have been corrected. The report is available for review upon request.

Significant time continues to be spent reviewing the Annual Compliance Reports recently submitted by each Copermittee describing their urban runoff programs and activities. These reports contain descriptions of all urban runoff management activities conducted by each Copermittee during the previous year. Upon completion of review of the Annual Compliance Reports, each Copermittee will receive written comments on the findings of the review.

11. Complaint Investigation: Hidden Meadows Development Project, San Diego County

(Eric Becker)

Hidden Meadows is a 150-acre residential development by Greystone/Lennar Homes located in unincorporated San Diego County north of the City of Escondido. Since 2000, the SDRWQCB has received numerous concerns from an adjacent property owner about potential and alleged impacts from the project. During the planning phase of the project, the resident raised several concerns regarding project's potential impacts on habitat, impacts to groundwater, the extent of project's cut and fill slopes, impacts on the sewerage system and that the project proceeded without an adequate CEQA document.

During the construction phase, the resident expressed concerns alleging habitat destruction, illegal grading, illicit discharges, and a lack of adequate best management measures. In response to these concerns, the County of San Diego has had an inspector at the site almost on a daily basis. The SDRWQCB has also inspected the site numerous times in response to concerns raised by the same resident. For the most part, either the County or the SDRWQCB have found the site to be in compliance with applicable requirements, but there have been some violations. For example, during April, a contractor on the site discharged sediment and potable water (from a waterline break) to a tributary. In response to this incident, the County has cited the developer and issued a Stop Work Order for the project until additional BMPs were installed to prevent further discharges. With continued close oversight by the County, the RWQCB will continue to monitor the site's compliance efforts.

12. Duke Energy, South Bay Power Plant – Status of NPDES Permit Renewal *(Hashim Navrozali)*

On May 4, 2001, Duke Energy submitted an application for renewal of the NPDES permit for the South Bay Power Plant (SBPP) (Order No. 96-05, NPDES No. CA0001368). Order No. 96-05 expired on November 14, 2001. Tentative Order No. 2001-283, renewing the NPDES permit for SBPP, was initially considered by the Regional Board at a public hearing on December 12, 2001. During the December 12, 2001 public hearing the Regional Board heard oral testimony, but decided to delay action on the tentative Order until a future meeting.

The tentative NPDES permit is currently being re-written and is expected to be presented for the Regional Board's consideration at its regularly scheduled meeting on September 10, 2003 in San Diego. The tentative NPDES renewal permit is expected to be available for public review and comment by August 1, 2003.

13. William Johnson & Vail Lake USA, LLC File Claim For Damages Against State of California *(Frank Melbourn)*

On April 25, 2003, William Johnson and Vail Lake USA, LLC filed a claim for Damages against the State of California for violating claimants' rights to Due Process and Equal Protection. The claim arises out of the Regional Board's February 2002 assessment of a \$422,200 administrative civil liability against William Johnson and Vail Lake, LLC for violation of the Water Code and the Construction Storm Water Permit. On March 27,

2003, the State Board denied Johnson's petition of the Regional Board's action. On May 7, 2003, the Regional Board issued a Notice of Violation to William Johnson and Vail Lake, LLC for failing to pay the liability. The Regional Board has no information that William Johnson and Vail Lake, LLC filed in Superior Court contesting the Regional and State Board actions. A Regional Board resolution, therefore, referring the collection of the liability to the State Attorney General's Office is appropriate. This resolution will be presented to the Regional Board as early as the August 13, 2003 Regional Board meeting.

14. Mission Valley Terminal: Discharge of Extracted Groundwater— Status of Compliance (Sherrie Komeylyan)

On December 12, 2002 the Regional Board adopted Order No. R9-2002-0385 imposing mandatory minimum penalties in the amount of \$21,000 against Kinder Morgan Energy Partners (Kinder Morgan) for nine violations of effluent limitations contained in Order No. 2001-96 occurring between March 2002 through June 2002 at the Mission Valley Terminals. The assessed penalty of \$21,000 was paid subsequent to the public hearing held on December 11, 2002. Nineteen additional effluent limitation violations, for chronic and acute toxicity, have been reported for the July 2002 through February 2003 reporting periods. The monitoring data is currently being evaluated to determine the appropriate enforcement response to the continuing effluent limitation violations.

In response to Investigation Order No. R9-2002-0420 issued on December 26, 2002 by the Executive Officer, Kinder Morgan submitted the report "*Investigation of Treatment System Effluent and Status of Toxicity Identification Evaluation, Mission Valley Terminal, San Diego, California*" dated January 14, 2003. In this report Kinder Morgan describes steps taken, including conducting a Toxicity Identification Evaluation (TIE) study to address the exceedances of toxicity effluent limitations in their discharge of extracted groundwater to Murphy Canyon Creek.

Kinder Morgan in a status report dated March 5, 2003 reported that the Phase I and II TIE studies indicate that a major portion of the effluent toxicity is due to major Total Dissolved Solids ions, including chloride and possibly bicarbonate, calcium, and magnesium. Kinder Morgan is conducting further evaluations to identify treatment options to reduce ion concentrations that would result in compliance with the toxicity specifications. Kinder Morgan is also considering re-injection of the treated groundwater to the groundwater aquifer as an alternative effluent disposal method.

15. San Diego Convention Center: Discharge of Extracted Groundwater— Status of Compliance (Rebecca Stewart & Sherrie Komeylyan)

The San Diego Convention Center discharges extracted groundwater to San Diego Bay. During the period from January 2000 through March 2003, the discharger has violated the terms and conditions and effluent limitations as mandated in Order No. 2000-90. Numerous effluent limitation violations, for total suspended solids, copper, and chronic and acute toxicity, have been reported for the January 2000 through March 2003 reporting periods. An enforcement action including mandatory minimum penalties or

administrative civil liability will be brought before the Board for consideration in August 2003.

16. Update on Convair Lagoon and the Teledyne Ryan Aeronautical Site (*Sabine Knedlik*)

During the early 1940s through mid 1999 Teledyne Ryan Aeronautical operated an aerospace component manufacturing operation at 2710 N. Harbor Drive, in San Diego. The site is located between the San Diego International airport to the north and Convair Lagoon in San Diego Bay to the south. Storm water discharges from the site are discharged through conveyance systems that drain to Convair Lagoon.

In 1997, Polychlorinated biphenyls (PCBs) were first detected in the sediment of Convair Lagoon. In 1986, the San Diego Regional Water Quality Control Board (Regional Board) issued Cleanup and Abatement Order (CAO) No. 86-92 for Teledyne Ryan Aeronautical Near Lindbergh Field for violations of the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan), and for contributing to the condition of pollution in Convair Lagoon. These violations pertained to the discharges of waste containing PCBs, several trace metals, and volatile organic compounds to the storm water conveyance system that discharges to Convair Lagoon.

In 1998, in response to CAO No. 86-92 and Addenda No. 1 through 9, a sand cap was installed in Convair Lagoon to contain the pollutants. During the same year, the Regional Board adopted Monitoring and Reporting Program No. 98-21 for Teledyne Ryan Aeronautical to establish monitoring requirements for the sand cap, which includes sediment sampling and analysis, storm water conveyance system sampling and analysis, and visual inspections.

In 1999, TDY Industries, Inc. took over responsibilities for the site as well as the monitoring requirements for the sand cap when becoming the new lessee. In 2000, TDY Industries, Inc. vacated the site and in January 2003 terminated the lease agreement with the San Diego Unified Port District.

During sampling events in 2000 and 2001, elevated PCB concentrations were found in sediment taken from the top of the Convair Lagoon sand cap. During this period, elevated PCB concentrations were also found in sediment taken from the outfalls of the 60-inch and east 30-inch diameter storm water conveyance system as well as in sediment taken from inside the 60-inch and east 30-inch diameter storm water conveyance systems and catch basins tributary to the system.

In November 2001, Water Code Section 13267 letters were sent to TDY Industries, Inc., the San Diego Unified Port District, the City of San Diego, and the Marine Corps Recruit Depot (MCRD). The letters included requirements for additional sampling of the storm water conveyance system that discharge to Convair Lagoon and other locations in San Diego Bay to identify current and historical PCB sources. Monitoring reports submitted in 2002 showed elevated levels of PCB concentrations in sediment found in the 60-inch diameter storm water conveyance system and in catch basin sediments that are tributary to

the 60-inch diameter storm water conveyance system. The source(s) of the PCBs were not identified.

To protect Convair Lagoon and San Diego Bay from further discharges of PCBs, the identification and elimination of pollutant sources that lead to elevated PCB concentrations are needed. Staff is preparing a CAO issued to TDY Industries, Inc. that will require a comprehensive investigation of the storm water conveyance system to identify and ultimately remove the source(s) of PCBs. The CAO will be brought in front of the Regional Board at a future date.

17. Duke Energy, South Bay Power Plant – Status of NPDES Permit Renewal (*Hashim Navrozali*)

On May 4, 2001, Duke Energy submitted an application for renewal of the NPDES permit for the South Bay Power Plant (SBPP) (Order No. 96-05, NPDES No. CA0001368). Order No. 96-05 expired on November 14, 2001. Tentative Order No. 2001-283, renewing the NPDES permit for SBPP, was initially considered by the Regional Board at a public hearing on December 12, 2001. During the December 12, 2001 public hearing the Regional Board heard oral testimony, but decided to delay action on the tentative Order until a future meeting.

The tentative NPDES permit is currently being re-written and is expected to be presented for the Regional Board's consideration at its regularly scheduled meeting on September 10, 2003 in San Diego. The tentative NPDES permit is expected to be available for public review and comment by August 1, 2003.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

There are no items for Part C this month.